

## **EXHIBIT E**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 In Re Grand Jury Subpoena,

4 19 Misc. 149 (CM)

5 Conference

6 -----x  
7 New York, N.Y.  
8 April 9, 2019  
9 11:45 a.m.

10 Before:

11 HON. COLLEEN McMAHON,

12 Chief District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN  
15 United States Attorney for the  
16 Southern District of New York  
17 ALEX ROSSMILLER  
18 Assistant United States Attorney

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1 (In the robing room)

2 THE COURT: This is 19 Misc. 149, In Re Grand Jury  
3 Subpoena. I've had one conference with the government in this  
4 matter. You want to put your appearance on the record.

5 MR. ROSSMILLER: Yes. Good morning, your Honor. Alex  
6 Rossmiller for the government.

7 THE COURT: Mr. Rossmiller, I now know a lot more  
8 about what's going on than I did the last time we were  
9 together. My question is this: I'll be very up-front with  
10 you. I want to make sure I'm not in a Chemical Bank kind of  
11 situation, so I would like to know about contacts between the  
12 United States Attorney's Office and the Boies Schiller firm  
13 prior to the issuance of the subpoena on the subject of your  
14 investigation.

15 MR. ROSSMILLER: Yes, your Honor. So with respect to  
16 this investigation, the investigation was opened in late  
17 November or early December, either on Friday, November 30, or  
18 Monday, December 3.

19 THE COURT: OK.

20 MR. ROSSMILLER: In the initial days and weeks of the  
21 investigation, we endeavored to identify information about the  
22 subject of the investigation, including, among other things,  
23 possible victims who we should speak to. In the process of  
24 doing so, we identified certain counsel that were identified as  
25 representing victims or witnesses either in public filings or

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1       in media reports. Boies Schiller was among those plaintiff  
2       attorneys. So following the opening of the investigation, we  
3       were in touch with Boies Schiller, among other plaintiff and  
4       witness counsel, in connection with their representation of  
5       witnesses or victims.

6                  With respect to Boies Schiller in particular, we  
7       quickly came to learn during the investigation that they had at  
8       the time either active or recently completed civil litigation  
9       and so asked them, as is our standard practice, told them, I  
10      should say, that we expected to make document requests. They  
11      generally advised us that they believed there was a protective  
12      order that would govern at least some of the materials, and  
13      that is why we ultimately made the application to the Court.

14                 THE COURT: OK. That's all I needed to know. I want  
15      to make two little changes in this opinion, and if you come  
16      back in an hour, you'll have it.

17                 MR. ROSSMILLER: OK.

18                 THE COURT: All right.

19                 MR. ROSSMILLER: Thank you, your Honor.

20                 THE COURT: And we are granting your request.

21                 MR. ROSSMILLER: Understood. Thank you, your Honor.

22                 THE COURT: OK.

23                 (Adjourned)

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